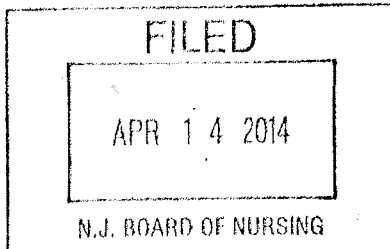
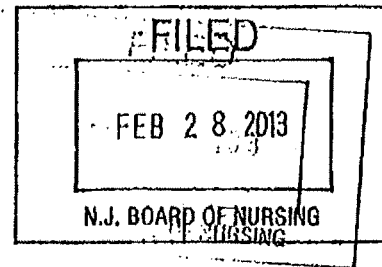


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE CERTIFICATE OF

MARIANA T. BRIONES, C.H.H.A.
Certificate No. 26NH07855900

HOMEMAKER HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

☒ Finalized by Default on: 04/14/14

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Mariana T. Briones ("Respondent") was certified as a homemaker-home health aide in the State of New Jersey on February 28, 2003 and has been certified at all times relevant herein. (License 2000 print-out, attached and made a part hereto as Exhibit A).

2. On or about August 8, 2011, Respondent admitted in a written sworn statement given to the Division of Consumer Affairs Enforcement Bureau (EB) Investigators that she sent her friend, an unlicensed individual, to care for a client Respondent was assigned to by Always Caring Health Care Services (Always Caring), the agency Respondent worked for. When the unauthorized substitution was discovered by Always Caring Director, Edith Moreno, at the client's residence, the person sent by Respondent identified herself as Ms. Briones. In response to Always Caring inquiry as to who was her unauthorized substitution, Respondent stated she was her cousin but later she said she was a friend and she denied knowledge of her full name and whereabouts. (Sworn statement of Respondent, given to EB investigators and its certified translation as well as the letter of Edith Moreno addressed to the Board and dated October 10, 2011 attached and made a part hereto as Exhibit B).

CONCLUSIONS OF LAW

Respondent's action of allowing an unauthorized individual to care for her client constitute fraud, deception or misrepresentation and provide grounds for disciplinary action against Respondent's certificate pursuant to N.J.S.A. 45:1-21(b) in that Respondent has engaged in the use or employment of dishonesty, fraud, deception, or misrepresentation, false promise or false pretense. Respondent permitted and unlicensed person to perform an act for which a

certification is required by the Board and aided and abetted an unlicensed person in performing such an act in violation of N.J.S.A. 45:1-21(n). Additionally, the above preliminary findings of fact provide grounds for disciplinary action against Respondent's license pursuant to N.J.S.A. 45:1-21(e) in that Respondent has engaged in professional or occupational misconduct as determined by this Board.

ACCORDINGLY, IT IS on this 25th day of February, 2013,
ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is provisionally suspended for two years, one year active, one year stayed.

2. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

3. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

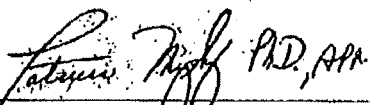
4. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

5. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a

Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and
N.J.A.C. 13:45C-1.4 and may subject Respondent to additional
sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD., APN, FAAN
President